

According to the EPA, it will cost approximately \$50 billion to clean up abandoned hardrock mines, and 40 percent of the headwaters of western watersheds have been polluted by mining.

Mining practices have changed since 1872. Today, mining companies often dig holes over one mile in diameter and 1,000 feet deep, using cyanide and other chemicals to extract metals from tons of low-grade ore. These chemicals and the toxic metals they dissolve from the rocks can leach into water sources. Acid mine drainage filled with heavy metals is difficult and expensive to clean up. When spills occur, taxpayers bear the brunt of cleaning them up.

The royalties collected under this bill would be directed towards much needed environmental protection measures. Two-thirds of the royalties, fees, and penalties paid by hardrock mining companies would help to mitigate the harmful effects of past mining activities on water supplies and public health. The funds would be used to restore land, water, and wildlife harmed by mining, and to clean up the abandoned mines and toxic waste materials.

The remaining one-third would go to assist states and localities impacted by hardrock mining to provide public facilities and services.

H.R. 2662 also expands the types of land on which mining would be prohibited to include wilderness areas, wild and scenic rivers, and certain roadless areas in national forests, adding necessary protections to some of our national treasures.

H.R. 2262 brings much needed reforms to hardrock mining operations. The bill ends priority status for mining interests, and ensures that mining on public lands takes place in a manner that protects taxpayers and the environment, and I urge its support.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment is as follows:

H.R. 2262

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Hardrock Mining and Reclamation Act of 2007”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions and references.
- Sec. 3. Application rules.

TITLE I—MINERAL EXPLORATION AND DEVELOPMENT

- Sec. 101. Limitation on patents.
- Sec. 102. Royalty.
- Sec. 103. Hardrock mining claim maintenance fee.
- Sec. 104. Effect of payments for use and occupancy of claims.

TITLE II—PROTECTION OF SPECIAL PLACES

- Sec. 201. Lands open to location.
- Sec. 202. Withdrawal petitions by States, political subdivisions, and Indian tribes.

TITLE III—ENVIRONMENTAL CONSIDERATIONS OF MINERAL EXPLORATION AND DEVELOPMENT

- Sec. 301. General standard for hardrock mining on Federal land.
- Sec. 302. Permits.
- Sec. 303. Exploration permit.
- Sec. 304. Operations permit.
- Sec. 305. Persons ineligible for permits.
- Sec. 306. Financial assurance.
- Sec. 307. Operation and reclamation.
- Sec. 308. State law and regulation.
- Sec. 309. Limitation on the issuance of permits.

TITLE IV—MINING MITIGATION

Subtitle A—Locatable Minerals Fund

- Sec. 401. Establishment of Fund.
- Sec. 402. Contents of Fund.
- Sec. 403. Subaccounts.

Subtitle B—Use of Hardrock Reclamation Account

- Sec. 411. Use and objectives of the Account.
- Sec. 412. Eligible lands and waters.
- Sec. 413. Expenditures.
- Sec. 414. Authorization of appropriations.

Subtitle C—Use of Hardrock Community Impact Assistance Account

- Sec. 421. Use and objectives of the Account.
- Sec. 422. Allocation of funds.

TITLE V—ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

Subtitle A—Administrative Provisions

- Sec. 501. Policy functions.
- Sec. 502. User fees.
- Sec. 503. Inspection and monitoring.
- Sec. 504. Citizens suits.
- Sec. 505. Administrative and judicial review.
- Sec. 506. Enforcement.
- Sec. 507. Regulations.
- Sec. 508. Effective date.

Subtitle B—Miscellaneous Provisions

- Sec. 511. Oil shale claims subject to special rules.
- Sec. 512. Purchasing power adjustment.
- Sec. 513. Savings clause.
- Sec. 514. Availability of public records.
- Sec. 515. Miscellaneous powers.
- Sec. 516. Multiple mineral development and surface resources.
- Sec. 517. Mineral materials.

SEC. 2. DEFINITIONS AND REFERENCES.

(a) **IN GENERAL.**—As used in this Act:

(1) The term “affiliate” means with respect to any person, any of the following:

(A) Any person who controls, is controlled by, or is under common control with such person.

(B) Any partner of such person.

(C) Any person owning at least 10 percent of the voting shares of such person.

(2) The term “applicant” means any person applying for a permit under this Act or a modification to or a renewal of a permit under this Act.

(3) The term “beneficiation” means the crushing and grinding of locatable mineral ore and such processes as are employed to free the mineral from other constituents, including but not necessarily limited to, physical and chemical separation techniques.

(4) The term “casual use”—

(A) subject to subparagraphs (B) and (C), means mineral activities that do not ordinarily result in any disturbance of public lands and resources;

(B) includes collection of geochemical, rock, soil, or mineral specimens using handtools, hand panning, or nonmotorized sluicing; and

(C) does not include—

(i) the use of mechanized earth-moving equipment, suction dredging, or explosives;

(ii) the use of motor vehicles in areas closed to off-road vehicles;

(iii) the construction of roads or drill pads; and

(iv) the use of toxic or hazardous materials.

(5) The term “claim holder” means a person holding a mining claim, millsite claim, or tunnel site claim located under the general mining laws and maintained in compliance with such laws and this Act. Such term may include an agent of a claim holder.

(6) The term “control” means having the ability, directly or indirectly, to determine (without regard to whether exercised through one or more corporate structures) the manner in which an entity conducts mineral activities, through any means, including without limitation, ownership interest, authority to commit the entity’s real or financial assets, position as a director, officer, or partner of the entity, or contractual arrangement.

(7) The term “exploration”—

(A) subject to subparagraphs (B) and (C), means creating surface disturbance other than casual use, to evaluate the type, extent, quantity, or quality of minerals present;

(B) includes mineral activities associated with sampling, drilling, and analyzing locatable mineral values; and

(C) does not include extraction of mineral material for commercial use or sale.

(8) The term “Federal land” means any land, and any interest in land, that is owned by the United States and open to location of mining claims under the general mining laws and title II of this Act.

(9) The term “Indian lands” means lands held in trust for the benefit of an Indian tribe or individual or held by an Indian tribe or individual subject to a restriction by the United States against alienation.

(10) The term “Indian tribe” means any Indian tribe, band, nation, pueblo, or other organized group or community, including any Alaska Native village or regional corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 and following), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(11) The term “locatable mineral”—

(A) subject to subparagraph (B), means any mineral, the legal and beneficial title to which remains in the United States and that is not subject to disposition under any of—

(i) the Mineral Leasing Act (30 U.S.C. 181 and following);

(ii) the Geothermal Steam Act of 1970 (30 U.S.C. 1001 and following);

(iii) the Act of July 31, 1947, commonly known as the Materials Act of 1947 (30 U.S.C. 601 and following); or

(iv) the Mineral Leasing for Acquired Lands Act (30 U.S.C. 351 and following); and

(B) does not include any mineral that is subject to a restriction against alienation imposed by the United States and is—

(i) held in trust by the United States for any Indian or Indian tribe, as defined in section 2 of the Indian Mineral Development Act of 1982 (25 U.S.C. 2101); or

(ii) owned by any Indian or Indian tribe, as defined in that section.

(12) The term “mineral activities” means any activity on a mining claim, millsite claim, or tunnel site claim for, related to, or incidental to, mineral exploration, mining, beneficiation, processing, or reclamation activities for any locatable mineral.

(13) The term “National Conservation System unit” means any unit of the National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers System, or National Trails System, or a National Conservation Area, a National Recreation Area, a National Monument, or any unit of the National Wilderness Preservation System.

(14) The term “operator” means any person proposing or authorized by a permit issued under this Act to conduct mineral activities and any agent of such person.

(15) The term “person” means an individual, Indian tribe, partnership, association, society,